

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN PARKS TROWBRIDGE, JR., et al,

Defendants.

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
FILED
AUG 31 2015
BY DAVID J. MALAND, CLERK
DEPUTY

CIVIL NO. 9:14-cv-00138

**DEFENDANT JOHN PARKS TROWBRIDGE, JR.'S OBJECTION TO
DENIAL OF DUE PROCESS OF LAW**

The subject matter of the instant controversy is taxes, for which the Constitution provides at Article 1 § 8(1); to wit, in pertinent part:

The Congress shall have Power To lay and collect Taxes . . .

The Constitution creates the federal judicial power in Article 3 § 1 and defines the maximum extent of that power in Article 3 § 2(1) thereof; to wit, in pertinent part:

Section. 1.

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. . . .

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

It is well settled that courts ordained and established by Congress under authority of the provisions of Article III of the Constitution are courts of *special*, or *limited*, jurisdiction; e.g.:

The character of the controversies over which federal judicial authority may extend are delineated in Art. III, § 2, cl. 1. . . . *Insurance Corporation of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 701(1982).

Modern United States district courts, such as this Court, however, are courts of *general* jurisdiction, with authority to hear both civil and criminal matters; to wit:

The United States District Courts are trial courts. Trial courts, as opposed to appellate courts, are courts that hear both civil and criminal cases through examination and cross-examination by attorneys. . . . *The Oxford Companion to American Law*, Kermit L. Hall, editor in chief (Oxford University Press: Oxford, 2002), p. 175 (s.v. "Courts, United States").

The United States district courts are the trial courts of the federal court system. Within limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases, including both civil and criminal matters. USCourts.gov, "District Courts," <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/DistrictCourts.aspx> (accessed March 18, 2015).

The best-known courts are courts of GENERAL JURISDICTION, which have unlimited trial jurisdiction, both civil and criminal, within their jurisdictional area. At the federal level, these are called DISTRICT COURTS. . . . *West's Encyclopedia of American Law*, Volume 9 (West Group: St. Paul, Minn., 1998), p. 316.

"On the federal level, the district courts are courts of general jurisdiction. . . ." *Id.* at Volume 6, p. 293.

The authority to hear criminal matters and enter judgments in criminal proceedings does not appear among the certain specified causes enumerated in Article 3 § 2(1) of the Constitution, to which the judicial power extends, signifying that no contemporary United States district court, such as this Court, is a court of special / limited jurisdiction.

The Fifth Article of Amendment to the Constitution provides, in pertinent part:

No person shall be . . . deprived of life, liberty, or property, without due process of law; . . .

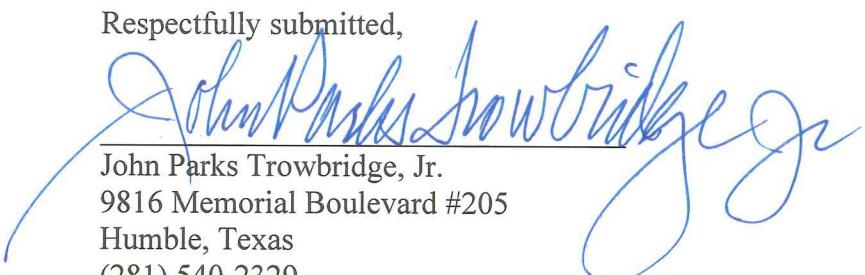
Whereas, the instant lawsuit is a controversy the subject matter of which is Article 1 § 8(1) taxes, the parties to which are the United States and defendant JOHN PARKS

TROWBRIDGE, JR. (the "Defendant"), and an attempt to deprive Defendant of Defendant's property through enforcement of the provisions of Article 1 § 8(1) of the Constitution: Defendant has the Right to have the said controversy heard and decided in the only species of forum expressly created by the Constitution for resolution of Article 1 § 8(1) controversies: a court of special / limited jurisdiction.

To continue to attempt to deprive Defendant of Defendant's property under authority of Article 1 § 8(1) of the Constitution but deny Defendant access to a court of special / limited jurisdiction, in dereliction of pertinent provisions of Article III of the Constitution, is to deny Defendant the Right to due process of law.

DATE: August 31, 2015

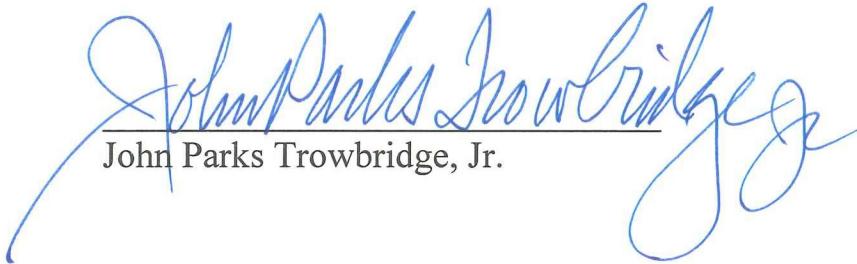
Respectfully submitted,


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CERTIFICATE OF SERVICE

I, John Parks Trowbridge, Jr., hereby certify that on August 31, 2015, a true, correct, and complete paper copy of the foregoing DEFENDANT JOHN PARKS TROWBRIDGE, JR.'S OBJECTION TO DENIAL OF DUE PROCESS OF LAW was served by first class United States Postal Service delivery upon the counsel of record as indicated below. Further, two paper copies of DEFENDANT JOHN PARKS TROWBRIDGE, JR.'S OBJECTION TO DENIAL OF DUE PROCESS OF LAW were filed on August 31, 2015, by personal hand delivery to the Clerk of the District Court as indicated below.

Date: August 31, 2015


John Parks Trowbridge, Jr.

Joshua David Smeltzer
U.S. Department of Justice
Tax Division
717 N. Harwood Street
Dallas, TX 75201-0000

Clerk of the United States District Court
for the Eastern District of Texas
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